

Excerpts
Planning Commission Minutes
March 9, 2005

Application No. ZM-91-05, Landmark Building & Development of North Carolina, LLC: Request to amend the York County Zoning Map by reclassifying 63.48 acres identified as Assessor's Parcel Nos. 15-2-D, 15-6-A, 15-7, 15-2-C, 15-2-B, and 15-4B from LB (Limited Business) to EO (Economic Opportunity); a 1.0-acre portion of Assessor's Parcel No. 15-4A from RC (Resource/Conservation) to EO; a 1.08-acre portion of Assessor's Parcel No. 15-2-B from LB to RC; and a 0.41-acre portion of Assessor's Parcel No. 15-4A from LB to RC. The property is located on the north side of Merrimac Trail (Route 143) approximately 1,250 feet south of its intersection with Tam-O-Shanter Boulevard (Route 1123) and is subject to voluntarily proffered conditions. The applicant has proffered to allow only certain uses within the EO District; and **Application No. UP-660-05, Landmark Building & Development of North Carolina, LLC:** Request, contingent on the approval of Application No. ZM-91-05 above, for a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 11) of the York County Zoning Ordinance, to authorize the construction of a timeshare resort on approximately 64.48 acres of land located on the north side of Merrimac Trail (Route 143) approximately 1,250 feet south of its intersection with Tam-O-Shanter Boulevard (Route 1123).

Mr. Earl Anderson, Planner, summarized the memorandum to the Commission dated March 1, 2005, in which the staff recommended approval of both applications. He noted that the Virginia Department of Transportation (VDOT) has advised it will require a continuous middle turn lane instead of two left-hand turn lanes as proposed by the applicant.

Hearing no questions, **Chair Simasek** opened the public hearing.

Vernon M. Geddy III, Esq., Geddy Harris Franck & Hickman, LLP, 1177 Jamestown Road, Williamsburg, represented the applicant. He introduced principals of the applicant who were in attendance. He thanked Mr. Anderson and the County staff for their assistance. Mr. Geddy said the principals representing the applicant have over the past 15 years developed innovative, award-winning and environmentally-friendly communities comprised of 3500 lots and 1250 homes and condominiums in the Outer Banks of North Carolina, as well as others in Virginia Beach and the Linden Plantation off Parkway Drive in Williamsburg. He said the applicants consulted for a considerable period of time with Williamsburg Country Club, which resulted in a proposal that appears to be a win-win proposition for both principal applicants. He believed it represented a perfect use of the property, taking advantage of the view of the lake and golf course and situated between the golf course and Busch Gardens and very accessible by nearby neighborhoods. In addition, the topography made it ideal for commercial development. It represents a \$162 million investment with a fiscal impact during development of

\$750,000 in sales, plus a substantial payroll. It provides excellent access, the applicants were willing to proffer the turn lane improvements required by VODT, and Mr. Geddy recommended approval in accordance with staff recommendations.

Mr. Davis asked if the applicants conducted a market study to determine density and estimate saturation level for timeshares in the community, and Mr. Geddy acknowledged that several extensive studies were performed.

Mr. Staton asked the projected build out term, and **Mr. Geddy** replied it should take 15 years to complete the project.

Mr. Ptasznik inquired about the garages depicted on some of the cottage units and asked if that is a typical amenity for a timeshare. **Mr. Geddy** said while a garage may not be typical, the “golf villa” offers the features of a single-family home, because patrons often visit for up to five weeks at a time, several times a year, bring their families, and like to have more of the amenities of home.

Mr. David Russotto, Chief Executive Officer, Landmark Building & Development, 5028 Martins Point Road, Kitty Hawk, NC, said some of the units are not typical of timeshares and garages would accommodate patrons who may come often and stay longer than for a typical timeshare.

Responding to **Mr. Simasek**’s question about determining density of timeshares the County can support, **Mr. Russotto** noted his company commissioned market studies from three professional firms, including David Adkins International.

Mr. Stan Gorski, President, Williamsburg Country Club, 302 Artillery Road, spoke in favor of approving both applications because, in his view, they would be a great advantage to the Country Club, the County and neighborhood including nearby timeshares. He was certain the project would be first-class upon completion.

Mr. Davis observed it appeared to be a good use for an otherwise difficult topographic site.

Mr. Simasek believed it was a sensible use of the land.

Mr. Barba observed it should not impact any residential areas.

Mr. Ptasznik moved to adopt proposed Resolution PC05-10.

PC05-10

On motion of Mr. Ptasznik, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A REQUEST TO REZONE APPROXIMATELY 66 ACRES ON THE NORTHSIDE OF MERRIMAC TRAIL (ROUTE 143) FROM LB (LIMITED BUSINESS) AND RC (RESOURCE CONSERVATION) TO EO (ECONOMIC OPPORTUNITY) AND TO RC SUBJECT TO VOLUNTARILY PROFFERED CONDITIONS.

WHEREAS, Landmark Building and Development of North Carolina, LLC has submitted and Williamsburg Country Club and Revocor Corporation, N.V. will execute Application No. ZM-91-05, which requests to amend the York County Zoning Map by reclassifying 63.48 acres identified as Assessor's Parcel Nos. 15-2-D (GPIN I12C-0023-1654), 15-6-A (GPIN I12C-0536-0860), 15-7 (GPIN I12C-0061-1057), 15-2-C (GPIN H12D-3733-1074), 15-2-B (GPIN H12D-3064-1241), and 15-4B (GPIN H12D-2515-1568) from LB (Limited Business) to EO (Economic Opportunity); a 1.0-acre portion of Assessor's Parcel No. 15-4A (GPIN H12B-3671-2710) from RC (Resource Conservation) to EO; a 1.08-acre portion of Assessor's Parcel No. 15-2-B from LB to RC; and a 0.41-acre portion of Assessor's Parcel No. 15-4A from LB to RC; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of March, 2005, that Application No. ZM-91-05 be, and it hereby is, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying 63.48 acres identified as Assessor's Parcel Nos. 15-2-D (GPIN I12C-0023-1654), 15-6-A (GPIN I12C-0536-0860), 15-7 (GPIN I12C-0061-1057), 15-2-C (GPIN H12D-3733-1074), 15-2-B (GPIN H12D-3064-1241), and 15-4B (GPIN H12D-2515-1568) from LB (Limited Business) to EO (Economic Opportunity); a 1.0-acre portion of Assessor's Parcel No. 15-4A (GPIN H12B-3671-2710) from RC (Resource Conservation) to EO; a 1.08-acre portion of Assessor's Parcel No. 15-2-B from LB to RC; and a 0.41-acre portion of Assessor's Parcel No. 15-4A from LB to RC subject to the voluntarily proffered conditions set forth in the applicant's proffer statement, titled "Conditions voluntarily proffered for the reclassification of property identified as tax parcels 15-(2)-C, 15-(2)-D, 15-7, 15-6-A, 15-4B, and a portion of 15-4A." signed by the current owners of the subject property Revocor Corporation, N.V. and the Williamsburg Country Club, a copy of which shall remain on file in the Planning Division, and which, upon approval by the Board of Supervisors, shall be recorded in the office of the Clerk of the Circuit Court

pursuant to the requirements of Section 24.1-114(e)(1) of the York County Zoning Ordinance.

Mr. Hamilton moved adoption of proposed Resolution No. PC05-11.

PC05-11

On motion of Mr. Hamilton, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE THE CONSTRUCTION OF A TIMESHARE RESORT ON APPROXIMATELY 64.48 ACRES OF LAND LOCATED ON THE NORTH SIDE OF MERRIMAC TRAIL (ROUTE 143).

WHEREAS, Landmark Building and Development of North Carolina, LLC has submitted and Williamsburg Country Club and Revocor Corporation, N.V. will execute Application No. UP-660-05 requesting a Special Use Permit, pursuant to Section 24.1-306 (Category 11, Number 11) of the York County Zoning Ordinance, to authorize a Special Use Permit for the construction of a timeshare resort on approximately 64.48 acres of land located on the north side of Merrimac Trail (Route 143) approximately 1,250 feet south of the intersection with Tam-O-Shanter Boulevard (Route 1123) and further identified as Assessor's Parcel Nos. 15-2-D (GPIN I12C-0023-1654), 15-6-A (GPIN I12C-0536-0860), 15-7 (GPIN I12C-0061-1057), 15-2-C (GPIN H12D-3733-1074), 15-4B (GPIN H12D-2515-1568), and portions of Assessor's Parcel Nos. 15-2-B (GPIN H12D-3064-1241) and 15-4A (GPIN H12B-3671-2710); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of March, 2005, that Application No. UP-660-05 be, and is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit for the construction of a timeshare resort on

approximately 64.48 acres of land located on the north side of Merrimac Trail (Route 143) approximately 1,250 feet south of the intersection with Tam-O-Shanter Boulevard (Route 1123) and further identified as Assessor's Parcel Nos. 15-2-D (GPIN I12C-0023-1654), 15-6-A (GPIN I12C-0536-0860), 15-7 (GPIN I12C-0061-1057), 15-2-C (GPIN H12D-3733-1074), 15-4B (GPIN H12D-2515-1568), and portions of Assessor's Parcel Nos. 15-2-B (GPIN H12D-3064-1241) and 15-4A (GPIN H12B-3671-2710):

1. This use permit shall authorize the establishment of a timeshare resort with a maximum of 824 timeshare units on property located on the north side of Merrimac Trail (Route 143) approximately 1,250 feet south of the intersection with Tam-O-Shanter Boulevard (Route 1123) and further identified as Assessor's Parcel Nos. 15-2-D, 15-6-A, 15-7, 15-2-C, 15-4B, and portions of Assessor's Parcel Nos. 15-2-B and 15-4A. A timeshare unit shall be defined as a single unit of one or more rooms that may be separated from other units by a locked door, providing complete, independent transient living facilities for one family, including permanent provisions for living, sleeping, cooking, and sanitation.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to the commencement of any development or land clearing activities on the site. Such site plan shall be in general conformance with the conceptual plan titled "Master Plan – Parkview and Illustrative Plan - Parkview" prepared by AES Consulting Engineers, dated March, 2005, a copy of which shall remain on file in the Planning Division.
3. The exterior siding, roofing, and brick shall generally conform with the architectural renderings titled "Front Elevation View" and "Rear Elevation View" dated 12/04, a copy of which will remain with the application file.
4. Transitional buffers in accordance with Section 24.1-243 of the York County Zoning Ordinance shall be provided along all property lines.
5. The developer shall be responsible for installing left turn lanes from eastbound Route 143 into the Property at the eastern most and western most entrances with 200 feet of storage and 200 foot tapers for each turn lane. A 150-foot right turn lane from west bound Route 143 at the western most entrance into the Property and a continuous right turn lane from the I-64 off ramp onto Route 143 to the eastern most entrance shall be constructed. All public roadway improvements shall be approved by VDOT prior to construction. In addition, all streets, drives, and parking areas in the development shall be constructed to VDOT cross-sectional street standards.
6. The resort shall be served by sanitary sewer and public water.

7. Permanent year-round occupancy of any units by any individual or family other than that of a resident manager or caretaker and his or her family shall not be permitted.
8. The timeshare resort shall consist only of residential units for which the exclusive right of use, possession, or occupancy circulates among various owners or lessees thereof in accordance with a fixed time schedule, which may vary within certain specified time periods, on a periodically recurring basis.
9. Proposed procedures and regulations for maintenance and upkeep of the facility shall be submitted to the Zoning Administrator for review and approval at the time of the initial site plan submission for the project.
10. On-site parking to serve the development shall be provided in accordance with all applicable requirements set forth in Article VI of the Zoning Ordinance.
11. All agreements and restrictions pertaining to ownership and maintenance of common areas on the site shall comply fully with Section 55-360 et seq., Code of Virginia, the Virginia Real Estate Time-Share Act. Certification by the developer's legal counsel that the referenced standards have been met shall be submitted with development plans.
12. The applicant shall be responsible for compliance with the regulations in Section 24.1-115(b)(6) of the Zoning Ordinance that pertain to the recordation of this resolution in the office of the Clerk of the Circuit Court.
